Appl. No. 10/785,995   Docket No. MEI-102
Amendment
Response to Office Action mailed February 5, 2008

REMARKS

Pending Claims

Claims 35 - 46 are pending in this application. Claims 35-42 and 46 have been amended. No new matter has been added.

Specification

Applicants have amended the claims to overcome the objection to the Specification.

Claim Rejections under 35 U.S.C. §112

Claims 38-41 are rejected under 35 U.S.C. §112, first paragraph, for failing to comply with the written description requirement. Claims 38-41 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention.

Applicants have amended claims 38-41 to overcome the rejection.

Claim Rejections under 35 U.S.C. §102

Claims 35-37, 42-44 and 46 are rejected under 35 USC 102(e) as being anticipated by Dettinger et al, U.S. Patent Publication No. 2003/0093413.

Applicants have amended independent claims 35, 38 and 42. For example, claim 35 has been amended to set forth that one of the control processor of the control node or a

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control processor of the other control node is configured to send first data related to the

requests of the extracted entries to the other control node when the accessor of the first data is

changed to the other control node as the specified source of the requests of the extracted

stored entries and the number of the extracted stored entries for the requests is a

predetermined value within a predetermined time. Further, the one control processor is

further configured to send second data accessed by the user before the accessor is changed to

the other control node. Claims 38 and 42 have been similarly amended.

According to the embodiments of the invention, as shown in Figure 4 of the present

application, the access history 107 has a table that relates the file accessed from an accessor,

e.g. CLN1, CN3, to a user ID for a USER, e.g. Foo. When there is a change in the accessor

as a result of "Foo" moving to the client CLN3, which is connected to the local area network

LAN3 to the control node CN3, an access request for the file ("file_1A") is sent via the

control node CN3 to the control node CN1. As set forth in the flow chart of Figure 6, when

the predetermined number or more of accesses from the "another control node" (CN3) occurs

within a predetermined time (see page 16, lines 2-5 of the specification), the data of file ID

1001 is transferred by replication or migration to the "another control node". Further, as

shown in Figure 7 (steps S41-S45), after it is determined that the accessor has been changed,

a determination is made whether another file is accessed before the change, such as the file

having file ID number 1002, as shown in Figure 4. If so, then the file that was accessed

before the change of the accessor by the same user is subject to replication or migration to the

another control device. See file ID 1002 which was accessed by USER ID "Foo" before the

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user "Foo" changed to control node CN3.

In Dettinger, on the other hand, there is a database 104 with tables 107. Further, a replication schedule 113 is provided for one or more clients 120 and is implemented to replicate one or more tables 107 of a source database 104. In paragraphs [0025] and [0030] of Dettinger, it is disclosed that based on the frequency with which a user makes requests, a determination is made whether the frequency exceeds a replication threshold. Each table 107 in the database 104 is transferred to the user only after the replication threshold is met for the table. This is different from the invention of claim 35.

In particular, according to claim 35, the "second data" will be sent to the another control node if the second data has been accessed before the accessor has changed whether or not an access threshold has been met for the second data. This is different from Dettinger, wherein the database tables 107 are moved only after a high frequency of requests are received. That is, the replication threshold for each table 107 in Dettinger must be exceeded before the table is copied or replicated to the user's local system. There is no teaching in Dettinger of transferring files which the user has accessed before an accessor change, which do not meet the frequency threshold. Accordingly, when the access frequency for one of the files is met, according to the embodiments of the invention, then the second data is also replicated or migrated with the first data. This is not taught or suggested by Dettinger. Accordingly, Dettinger does not anticipate claims 35-37, 42-44 and 46 under 35 USC 102(e) and the rejection should be withdrawn.

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Claim Rejections under 35 U.S.C. §103   **JUL 0 7 2008**

Claims 38, 39 and 40 are rejected under 35 USC 103(a) as being unpatentable over

Dettinger '413, in view of Srinivasan et al, U.S. Patent Publication No. 2007/0226331. Claim

Claim 41 is rejected under 35 USC 103(a) as being unpatentable over Dettinger '413, in view

of Srinivasan '331, and further in view of Fletcher et al, U.S. Patent Publication No.

2006/0282440. Claim 45 is rejected under 35 U.S.C. §103(a) as being unpatentable over

Dettinger '413 in view of Fletcher '440.

The Examiner has applied Srinivasan for disclosing the feature claimed by applicants

in which a determination is made whether a received second request is received from a data

location in the second storage device or the first storage device, and a request is sent to the

first control node, which manages the first storage device, as a first request if the received

second request is related to the first storage device. However, Srinivasan does not overcome

the above-noted deficiency in Dettinger with respect to disclosing the sending of second data

to the another control node when the second data has been accessed before the accessor used

by the user has changed. Accordingly, the combination of Dettinger and Srinivasan is

insufficient to render claims 38, 39 and 40 unpatentable under 35 U.S.C. §103(a).

Fletcher has been relied upon in combination with Dettinger and Srinivasan in

rejecting claims 41 and 45. However, neither of these references is able to overcome the

above-noted deficiencies in Dettinger and Srinivasan and therefore the rejection of claims 41

and 45 under 35 U.S.C. §103(a) should be withdrawn.

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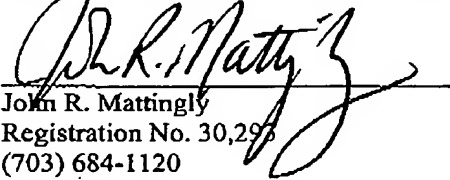Response to Office Action mailed February 5, 2008

Conclusion

    In view of the foregoing, Applicant respectfully requests that a timely Notice of

Allowance be issued in this case.

              Respectfully submitted,

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